THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.8265 OF 1997

DATED:24.01.2007

Between:

P. Nageshwar Rao ….Petitioner

AND

The Secretary, A.P. Residential Educational Institution Society, Gagan Vihar, M.J.Road, Hyderabad and another …Respondents

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ORDER:

This writ petition is filed seeking a Certiorari calling for the records relating to the proceedings Rc.No. 6345/01-1/96-97, dated 27.01.1997 on the file of the first respondent and quash the same as arbitrary and illegal, and further to declare that the petitioner is entitled for promotion as Principal by applying the Rule of Reservation in promotions, which was made applicable to Sri A.Radhakrishna and others.

Under the impugned proceedings dated 27.01.1997, the Secretary of the Society had considered the representation filed by the petitioner, dated 01.01.1997 and rejected his claim for being promoted to the post of Head Master. It is stated that during 1992, there were only two vacancies of PGT in Social Studies under promotion quota as such the cases of one Smt. K. Bramaramba and B. Nooka Raju, who were seniors to the petitioner, were considered for promotion. However, based on the directions of this Court, the petitioner was also promoted to the post of PGT with effect from 01.11.1995 as per the seniority. T. Kesavulu and A. Radha Krishna were not promoted as Principals ignoring the seniority of the petitioner. They were all seniors to the petitioner both in the cadre of TGT and PGT and having more service than the petitioner. Therefore, the claim of the petitioner for the purpose of promotion to the post of Principal was rejected and was also directed to improve his qualifications. Aggrieved by the same, the present writ petition is filed.

Counter-affidavit has been filed reiterating the same stand as was taken in the impugned order stating that as A. Radha Krishna was

senior to the petitioner in the category of PGT and he was promoted as a Principal on 07.03.1991 based on his seniority in the cadre of PGT. Therefore, the petitioner cannot contend at this point of time that promoting A. Radha Krishna as a PGT was irregular. May be, the petitioner is entitled for considering promotion as per his turn and the case of the petitioner will be considered as and when his turn will come up within the zone of consideration for promotion to the post of Principal based on the seniority in the cadre of PGT. In view of the above, it cannot be said that the impugned order passed by the respondents is either arbitrary or illegal nor it is contrary to any of the judgments of the Apex Court.

The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the respondents are directed to consider the case of the petitioner for promotion whenever his turn comes as per the Rules, on merit. No costs.

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24th January, 2007

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